

Serial No.: 09/880.723  
Docket No.: 70655.7800

### **REMARKS**

Applicants reply to the Examiner's comments in the Advisory Action mailed on December 26, 2006, and submit these remarks and amendments. Applicants request that the Examiner consider the amendments and remarks prior to examining the above-referenced patent application after RCE. Claims 1, 2, 4, 5, 10-12, 22-24, 27, 48, and 52 were pending in the application and the Examiner rejects claims 1, 2, 4, 5, 10-12, 22-24, 27, 48, and 52. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

### **Rejection under 35 U.S.C. § 103(a)**

The Examiner rejects claims 1, 10, 12, 22, 23, and 48 under 35 U.S.C. § 103(e) as being anticipated by Musgrove et al., U.S. Patent No. 6,725,222 ("Musgrove") in view of Daly et al., U.S. Patent No. 5,878,141 ("Daly"). Applicants respectfully traverse the rejection.

Musgrove discloses a method for storing product information from a plurality of merchants within a centralized shopping server, providing product information from multiple merchants to users, and consummating order transactions relating to one or more user selected products. Musgrove further discloses known methods for collecting product information from merchant servers using automated web crawlers and bots. Web crawlers and bots are known to those of ordinary skill and are disclosed by Musgrove to enable the invention by providing a means for collecting product information from merchant web sites. Musgrove is limited to searching and displaying product data obtained from a plurality of merchant web sites and facilitating purchase transactions.

Musgrove discloses that, when a shopper selects products from a plurality of vendors for purchase, the shopping server presents the user with a pre-filled purchase form. The form is filled from product and customer information which is maintained in a database. The user is given the opportunity to make changes to information in the form before submitting it to a shopping server. The shopping server then uses the form information to fill in purchase forms on each merchant server.

Daly discloses a purchase mediation system that matches accepted merchant payment methods with a purchaser's available payment methods. The Daly system analyzes information pertaining to purchaser available payment methods against information pertaining to accepted payment methods to determine an overlap of payment methods. In this manner, only purchase methods that are both accepted by the merchant and available to the purchaser are displayed to a

AXP No. 200401679  
1068986

5

Serial No.: 09/880,723  
Docket No.: 70655.7800

purchaser in an online shopping environment. Because Daly is directed toward providing an online shopping environment with affiliated merchants, there is no need to determine whether a merchant is affiliated or unaffiliated and producing an order accordingly.

**Musgrove and Daly each disclose online shopping environments where products can be purchased from multiple merchants. However, neither discloses differing methods of placing a product order that is dependent on whether the merchant is affiliated or unaffiliated. As such, neither Musgrove, Daly, nor any combination thereof, disclose or suggest at least, "determining whether said selected product is from an affiliated web site", "transmitting an order for said selected product directly to an owner of said affiliated web site when said selected product is from is from said affiliated web site", and "injecting a product order at an unaffiliated website when said selected product is from said unaffiliated web site," as recited by amended independent claim 1.**

Claims 10, 12, 22, 23, and 48 variously depend from independent claim 1; therefore, Applicants assert that dependent claims 10, 12, 22, 23, and 48 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claims 2 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in view of Bezos et al., U.S. Patent No. 6,029,141 ("Bezos"). Applicants respectfully traverse this rejection.

Dependent claims 2 and 24 depend from independent claim 1. As noted above, Musgrove and Daly do not teach or suggest each feature of amended independent claim 1 and Bezos does not teach or suggest the missing features. Bezos generally discloses a referral system that enables individuals and businesses to receive commissions based on redirecting Internet traffic to a merchant web site, however, Bezos does not teach or suggest at least, "determining whether said selected product is from an affiliated web site", "transmitting an order for said selected product directly to an owner of said affiliated web site when said selected product is from is from said affiliated web site", and "injecting a product order at an unaffiliated website when said selected product is from said unaffiliated web site," as recited by amended independent claim 1. Thus, dependent claims 2 and 24 are differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features.

Serial No.: 09/880,723  
Docket No.: 70655.7800

The Examiner rejects claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in view of Walker et al., U.S. Patent No. 5,862,223 ("Walker"). Applicants respectfully traverse the rejection of pending claims 4 and 5.

Dependent claims 4 and 5 variously depend from independent claim 1. As noted above, Musgrove and Daly do not teach or suggest each feature of amended independent claim 1 and Walker does not teach or suggest the missing features. Walker generally discloses a system for providing answers to a wide variety of questions in an Internet and/or voice telephony environment; however, Walker does not teach or suggest "determining whether said selected product is from an affiliated web site", "transmitting an order for said selected product directly to an owner of said affiliated web site when said selected product is from is from said affiliated web site", and "injecting a product order at an unaffiliated website when said selected product is from said unaffiliated web site," as recited by amended independent claim 1. Thus, dependent claims 4 and 5 are differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features.

The Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in further view of official notice. Applicants respectfully traverse the rejection.

Specifically, the Examiner asserts that, "Musgrove discloses a plurality of shoppers with their distinct accounts (e.g., column 6, lines 32-46), and official notice is taken that it is well known to search all relevant pages of relevant websites, and/or to obtain copies, while Musgrove discloses culling product information from merchant sites by Web crawlers or other means" (page 8, paragraph 1).

Applicants note that claim 11 relates to obtaining product ordering services (i.e., the steps required to order a product) and not to collecting product information. Those of ordinary skill would appreciate that "screen scraping" is commonly used to programmatically collect information from web pages. However, it would be further appreciated that the process of collecting information from web pages is quite different than the sophisticated process required to programmatically navigate a website and to accurately fill form fields with the proper information. As such, neither Musgrove, Daly, the Examiner's official notice, nor any combination thereof, disclose or suggest at least, "determining whether said selected product is from an affiliated web site", "transmitting an order for said selected product directly to an owner of said affiliated web site when said selected product is from is from said affiliated web site", and "injecting a product order at an unaffiliated website when said selected product is from said unaffiliated web site," as recited

AXP No. 200401679  
1968986

Serial No.: 09/880,723  
Docket No.: 70655.7800

by amended independent claim 1 from which claim 11 variously depends. Moreover, Applicants assert that dependent claim 11 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in further view of official notice. Applicants respectfully traverse the rejection.

The Examiner asserts that, "Musgrove does not disclose that the consumer is an electronic agent of a human consumer, but such electronic agents (known as 'shopping bots' or by similar terms) are well known" (page 8, paragraph 2). Applicants respectfully disagree.

While Applicants agree that "shopping bots" are well known, they are limited in what they can perform. A shopping bot is used to scour the Internet for the best prices for a defined product or service. For example, an end user may enter a product description, including a manufacturer and model, and the shopping bot will return one or more URLs for online merchants offering the defined product. This saves the shopper time in that he is not forced to view multiple merchant websites in search of the lowest price. However, shopping bots do not facilitate a purchase transaction on behalf of the end user. As such, neither Musgrove, Daly, the Examiner's official notice, nor any combination thereof, disclose or suggest at least, "determining whether said selected product is from an affiliated web site", "transmitting an order for said selected product directly to an owner of said affiliated web site when said selected product is from is from said affiliated web site", and "injecting a product order at an unaffiliated website when said selected product is from said unaffiliated web site," as recited by amended independent claim 1 from which claim 27 depends. Moreover, Applicants assert that dependent claim 27 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim 52 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daly in further view of the anonymous article, "CDW Computer centers: CDW Computer Centers Takes Online Shopping to the Next Level" (CDW). Applicants respectfully traverse the rejection.

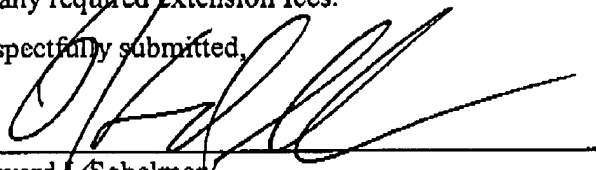
Dependent claim 52 depends from independent claim 1. As noted above, Musgrove and Daly do not teach or suggest each feature of amended independent claim 1 and CDW does not teach or suggest the missing features. CDW generally discloses a shopping system that allows buyers to configure alerts, however, CDW does not teach or suggest "determining whether said selected product is from an affiliated web site", "transmitting an order for said selected product directly to an owner of said affiliated web site when said selected product is from is from said affiliated web site",

Serial No.: 09/880.723  
Docket No.: 70655.7800

and "injecting a product order at an unaffiliated website when said selected product is from said unaffiliated web site," as recited by amended independent claim 1. Thus, dependent claim 52 is differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,



Howard L. Sobelman  
Reg. No. 39,038

Dated: June 11, 2007

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6228  
Fax: 602-382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)